

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Cullan and Cullan LLC,
on behalf of itself and
all others similarly situated,

Plaintiff,

v.

CF Enterprises Pty, Ltd., *et al.*,

Defendants.

Case No. 8:13-cv-00172

The Honorable Thomas D. Thalken

**MOTION FOR LEAVE TO FILE REPLY BRIEF AND INDEX IN SUPPORT OF
PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AGREEMENT**

Defendant CF Enterprises Pty. Ltd. hereby files this Motion for Leave to File Its Reply Brief and Index in Support of Plaintiff’s Motion for Preliminary Approval Settlement Agreement (Dkt. No. 165), and would state as follows:

1. On December 21, 2015, Plaintiff Cullan and Cullan LLC (“Cullan”) filed a motion for preliminary approval of the class action settlement between CF Enterprises Pty. Ltd. and Cullan. Dkt. No. 165.

2. On January 14, 2016, Intervenor Richard Geier (“Geier”) filed a response brief in opposition to Cullan’s motion for preliminary approval.

3. On January 15, 2016, Cullan filed a motion for leave to file a reply in support of the motion for preliminary approval, Dkt. No. 172, which the Court granted. Dkt. No. 173.

4. Geier is not a member of the class as defined in the CF Enterprises-Cullan settlement agreement. As such, Geier lacks standing to object to the CF Enterprises-Cullan

settlement agreement. Moreover, the CF Enterprises-Cullan Settlement Agreement provides a more favorable outcome for the class than the alternative, which is to continue this costly litigation.

5. CF Enterprises moves the Court for leave to file a reply brief, which details Geier's lack of standing and further describes the fairness of the CF Enterprises-Cullan settlement agreement. A true and correct copy of the proposed reply brief and index of evidence are attached hereto as **Exhibit A**.

6. The reply brief and index of evidence will help the Court fully consider the proposed settlement agreement, and are intended to aid the Court in resolving that motion.

7. The foregoing request is not meant for delay, but so justice may be done.

WHEREFORE, CF Enterprises respectfully requests the Court grant the motion and provide CF Enterprises leave to file reply brief and index of evidence in support, attached hereto as **Exhibit A**.

Respectfully submitted,

Dated: February 5, 2016

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**ATTORNEYS FOR DEFENDANT CF
ENTERPRISES PTY. LTD.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 5, 2016, the foregoing was filed via the Court's CM/ECF System, which served counsel of record with a true and correct copy of the foregoing via electronic service.

s/ Michael T. Hilgers